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July 27, 2018

VIA ELECTRONIC FILING

Hon. Andrew T. Baxter
U.S. Magistrate Judge
United States District Court
Northern District of New York
Federal Building and U.S. Courthouse
P.O. Box 7396
Syracuse, NY 13261-7396

Re: *CAR-FRESHNER Corp., et al. v. American Covers, LLC, et al.*
5:17-cv-171 (TJM/ATB)

Dear Magistrate Judge Baxter:

We write on behalf of all of the parties to the above-referenced action to request an amendment of the current scheduling order.

On June 28, 2018, Plaintiffs disclosed to Defendants the Expert Rebuttal Report of Joel H. Steckel, PhD (the "Steckel Report") in response to Defendants' disclosure of two survey experts. Thereafter, the parties set a mutually agreeable date for Dr. Steckel's deposition: July 24, 2018.

Unfortunately, around July 11, 2018, Dr. Steckel was hospitalized for a time. He is recovering and believes he will be able to sit for a deposition in mid-September. As a result, his deposition has been rescheduled for September 27. However, that is after the scheduled close of non-damages-related expert discovery.

To accommodate this unforeseeable change in circumstance, the parties propose that the current deadline for the close of expert discovery related to damages, which is October 19, 2018 (see Docket No. 80) be amended to apply to *all* expert discovery, and that the current deadline to file dispositive and Daubert motions related to

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damages experts, which is November 2, 2018 (see Docket No. 80), be amended to apply to *all* dispositive and Daubert motions.¹

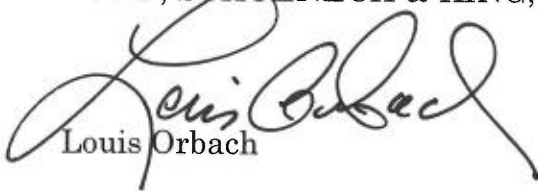
In light of the fact that all dispositive and Daubert motions would be filed on November 2, 2018 under this proposal, the parties further propose the following deadlines for opposition and reply papers in connection with such motions:

- ❖ Responses to Dispositive and *Daubert* Motions will be filed by November 30, 2018; and
- ❖ Replies to Dispositive Motions will be filed by December 14, 2018.

The motions would be made returnable to Senior Judge McAvoy on December 28, 2018, unless some other return date is directed by the Court.

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC



Louis Orbach

LO/djh

cc: All Counsel (via ECF)

¹ The parties do not propose any change to the August 24, 2018 deadline for serving Responsive Expert Reports on Damages Issues, or the September 21, 2018 deadline for serving Rebuttal Expert Reports on Damages Issues. (Docket No. 80).